

Remarks

This Application has been carefully reviewed in light of the Notice of Non-Compliant Amendment mailed August 22, 2007. In this Response, Applicants clarify the status of Claim 71 as being "Canceled." Applicants respectfully submit that this Application is in condition for allowance and respectfully request favorable action.

On December 28, 2006, Applicants mailed a Petition to Revive an Unintentionally Abandoned Application Under 35 C.F.R. 1.137(b) (the "Petition to Revive"), as well as a Response (the "Response Accompanying Petition to Revive") to the final Office Action mailed February 24, 2006 (the "Final Office Action") and the Advisory Action mailed August 18, 2006. The Petition to Revive was granted pursuant to a decision mailed May 10, 2007, a copy of which is attached. Applicants later received another Advisory Action (the "Second Advisory Action") and a Notice of Non-Compliant Amendment, both of which were mailed on August 22, 2007. The Notice of Non-Compliant Amendment states that "Claim 71 was previously canceled in the response filed 11/16/05 and added in the response filed 5/10/07 [the Response Accompanying Petition to Revive]. A claim which was previously canceled may be reinstated only by adding the claim as a new claim with a new claim number." (Continuation Sheet) As stated above, Applicants correct with the present Response the status of Claim 71 to be "Canceled" rather than "Previously Presented."

The Second Advisory Action indicates that the period for reply expires three months from the mailing of the final rejection, which Applicants understand to be the Final Office Action mailed February 24, 2006, a time period which has obviously expired. However, given that the Petition to Revive was granted, Applicants respectfully submit that this Response, correcting the issue raised in the Notice of Non-Compliant Amendment and resubmitting in full the Response Accompanying Petition to Revive, is timely. Furthermore, given that Applicants are simply taking the claims allowed in the Final Office Action, Applicants respectfully submit that this case is in condition for allowance. Applicants respectfully request reconsideration and favorable action in this case based on the "Remarks" as set forth in the Response filed by Applicants on December 28, 2006 (which accompanied the Petition to Revive mailed December 28, 2006). Applicants reproduce those remarks below in substantially verbatim form.

This Application has been carefully reviewed in light of the Final Office Action mailed February 24, 2006, and the Advisory Action mailed August 18, 2006. Applicants respectfully request reconsideration and allowance of all pending claims and respectfully provide the following remarks.

I. Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 73-76 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims, and the Examiner's indication that Claims 77-79 are allowable. (See Final Office Action, Pages 2 and 33-34) Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner's reasons for allowance. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

Applicants believe all claims are allowable without amendment. For example, Applicants maintain that each of Applicants' independent claims, and therefore their dependent claims, are allowable for at least those reasons discussed in prior Responses, and Applicants reserve the right to pursue claims of the same or similar scope in a continuation application. However, to expedite issuance of a patent from this Application, Applicants have amended independent Claim 67 to include limitations similar to those from dependent Claims 73 (including the limitations similar to those from dependent Claim 72, from which dependent Claim 73 depends), which the Examiner identified as allowable.¹ Applicants have also canceled Claims 1-49, 51-56, 59-66, and 72-73 without prejudice or disclaimer,² and have amended dependent Claim 74 to adjust its dependency in light of the amendment to independent Claim 67 and the cancellation of dependent Claims 73 (from which Claim 74

¹ Since the Examiner did not enter the amendments presented by Applicants in the Response to Final Office Action mailed July 24, 2006, (see Advisory Action mailed August 18, 2006), the amendments presented in this Response reflect changes to the claims as the claims stood at the time the Final Office Action was mailed.

² Applicants note that Claims 50, 57-58, and 71 were previously canceled.

depended). Given the Examiner's indications of allowable subject matter in the Final Office Action, Applicants respectfully submit that these amendments should be entered because they place the Application in better form for allowance. *See* 37 C.F.R. § 1.116(b); M.P.E.P. § 714.12. Independent Claim 77 and its dependent claims (Claims 78-79), which the Examiner identified as allowable, have not been amended.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 67 and 77 and their dependent claims.

II. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements.

Conclusion

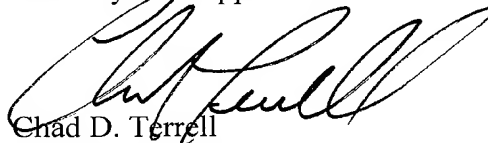
Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicants, at the Examiner's convenience at (214) 953-6813.

Although no fees are believed due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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